

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

OSCAR ANTONIO DIAZ,

Defendant and Appellant.

B170874

(Los Angeles County
Super. Ct. No. PA 041932)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING

NO CHANGE IN JUDGMENT

THE COURT:*

The opinion herein, filed on January 26, 2005, is modified as follows:

(1) On page 3, the first period on the second line is changed to a comma, which will be followed by addition of the words, “where the defendant fails to yield to the pursuing peace officer whom the defendant is fleeing or attempting to elude.”

(2) On page 11, second paragraph, last sentence, the words “According to him,” are changed to “According to her.”

(3) On page 15 in the last paragraph before the disposition, the word “felonies” is changed to “violations.”

(4) On page 6, in the first paragraph, the citation to “*People v. Sewell* (2000) 80 Cal.App.4th 690, 695” is changed to read “*People v. Sewell* (2000) 80 Cal.App.4th 690, 695, disapproved on another ground in *People v. Howard* (2005) 34 Cal.4th 1129, 1139, fn. 5.”

There is no change in the judgment.

Respondent’s petition for rehearing is denied.